

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ROBERT TWYMAN, JR. (#147435),)	
)	
Petitioner,)	
)	
vs.)	CIVIL ACTION NO. 2:06-CV-833-MEF
)	
ALABAMA DEPARTMENT)	
OF CORRECTIONS, et al.,)	
)	
Respondents.)	

MOTION TO STRIKE

Come now the Respondents in the above styled cause, by and through undersigned counsel, and submit this motion to strike Petitioner's Motion for Summary Judgment dated April 29, 2008. The Respondents state as follows:

1. Petitioner served upon Respondents a Motion for Summary Judgment on or about April 29, 2008.
2. This Court entered an order on October 13, 2006 that set forth the rules governing this case. (Doc. 9) Specifically, this Court stated "[t]he parties are advised that NO motion for summary judgment, motion to dismiss or any other dispositive motions addressed to the petition may be filed by any party without the permission of the court." This Court also stated that should a party attempt to file said motion, "the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court."
3. Respondents move that Petitioner's Motion for Summary Judgment comply with said order and be stricken.

Wherefore these premises considered, Respondents pray that this Honorable

Court strike Petitioner's Motion for Summary Judgment.

Respectfully submitted,

Kim T. Thomas (THO115)
Deputy Attorney General
General Counsel

/s/ Tara S. Knee
Tara S. Knee (KNE003)
Assistant Attorney General
Assistant General Counsel

OF COUNSEL:

Alabama Department of Corrections
Legal Division
P. O Box 301501
Montgomery, Alabama 36130
(334)353-3881
FAX: (334)353-3891

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of May, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following (or by U.S. Mail to the non-CM-ECF participants):

Inmate Robert Twyman, Jr.
AIS #147435
Elmore Correctional Facility
P.O. Box 8
Elmore, Alabama 36025

/s/ Tara S. Knee
Tara S. Knee (KNE003)
Assistant Attorney General
Assistant General Counsel